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Attorneys for Cross-Complainant  
ARACELI GOCOBACHI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SAMANTHA LOPEZ, a minor by and  
through by Guardian Ad Litem Liliana  
Cortez; as Successor in Interest of  
David A. Lopez, deceased  
  
Plaintiff,  
  
vs.  
  
THE COUNTY OF SAN DIEGO, a  
municipal corporation, CITY OF VISTA,  
a municipal corporation, et al  
Defendants

CASE NO: CV-07-2028-JLS(WMc)  
  
CROSS-COMPLAINANT'S RESPONSE  
TO DEFENDANT'S MOTION TO  
DISMISS  
  
F. Rules Civ. Proc., Rule 12(b)(6)  
  
September 25, 2008  
Time: 1:30 p.m.  
Place: Courtroom 6

Cross-Complainant, Araceli Gocobachi, by and through her counsel for and as response  
to defendant County of San Diego, states the following:  
  
A. Cross-Complainant Araceli Gocobachi, surviving spouse of deceased David Arnulfo Lopez  
do not object to the dismissal of state claims, third through the fifth causes of action based on  
state claims. Legal research on the issues raised by the moving party does indicate that  
defendant's cross-complainant, Araceli Gocobachi did not file a claim for money damages  
as a required by Government Code 945.4 and therefore she is barred from suing on state claims.

1 Defendant Cross-Complainant therefore submits that the defendant's motion to dismiss the  
2 third through the fifth causes of action is not opposed.

3 B. CROSS-COMPLAINANT CAUSES OF ACTION UNDER 42 U.S.C.1982, CAUSES OF  
4 ACTION 1, AND 2, HOWEVER, SHOULD REMAIN VIABLE CAUSES OF ACTION AND  
5 SHOULD NOT BE DISMISSED.

6 Defendant's motion does not question the validity of the first two causes of action,  
7 therefore plaintiffs' counsel for cross plaintiff will not address their viability.

8 Respectfully Submitted,

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10 //S//

11 Genaro Lara, Attorney for Cross Complainant

12 Dated: August 13, 2008  
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CERTIFICATE OF SERVICE

The undersigned, Genaro Lara, declares:

1. I am the retained co counsel for the cross complainant, Araceli Gocobachi.
2. On August 13, 2008, I filed electronically the above response to Defendant, County of San Diego's motion to dismiss causes of action 3 through 5.
3. I served by U.S. mail:

David G. Axtmann, Sr. Deputy Counsel, 1600 Pacific Highway, Suite 355, San Diego, CA 92101

Victor M. Torres, Esq. 406 Ninth Avenue, Suite 311, San Diego, CA 92101

Ezequiel Cortez, Law Offices, 1010 Second Avenue, San Diego, CA 2101

by placing the above documents in a prepaid envelope to each party with addresses as shown in a U.S. post office box.

I declare the above true and correct under penalty of perjury.

Genaro Lara \_\_\_\_\_/S/\_\_\_\_\_.

August 13, 2008